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Filing date: **01/20/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198063
Party	Plaintiff AlpinBreeze LLC
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVE W STE 151 VIENNA, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Other Motions/Papers
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	01/20/2012
Attachments	Response to Board's Order.pdf (8 pages)(291108 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board

AlpinBreeze, LLC,	:	
	:	
Opposer,	:	Opposition No. 91198063
	:	
vs.	:	
	:	
Evertec Information Technology Co., LTD.,	:	Serial No.: 77922346
	:	Mark: ALPINBREEZE and design
Applicant.	:	Published: September 7, 2010

RESPONSE TO BOARD'S ORDER

COMES NOW the Opposer, AlpinBreeze, LLC (hereinafter "Opposer"), and pursuant to the order entered in this matter provides the following statements.

1. Opposer served Initial Disclosures upon the Applicant in this instant case on April 14, 2011. *See Exhibit A.*
2. Upon information and belief, Opposer served upon Applicant the complete Motion to Compel Discovery on December 23, 2011. Due to an uploading error, Exhibit 5 was omitted from the TTAB filing on December 23, 2011 of the *Opposer's Motion to Compel Discovery*. Attached is the missing Exhibit 5 displaying Opposer's good faith effort to pursuant to TBMP § 523.20 to resolve the deficient responses from Applicant to the *Opposer's First Set of Interrogatories to Applicant* as well as *Opposer's First Set of Requests for Production of Documents to Applicant*.

Respectfully submitted this 20th day of January, 2012.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esquire

344 Maple Avenue West, Suite 151

Vienna, VA 22180

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mswyers@TheTheTrademarkCompany.com

Attorney for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

AlpinBreeze, LLC,	:	
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Opposer,	:	Opposition No. 91198063
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Evertec Information Technology Co., LTD.,	:	Serial No.: 77922346
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing pleading this 20th day of January, 2012, to be served, via first class mail and email, per agreement, upon:

You-Yi Lin
1F NO. 229 Sihwei Street , Jhubei City
Hsinchu County, 30242
Taiwan
Frans_lin@evertec.asia

/Matthew H. Swyers/
Matthew H. Swyers

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Applicant.	:	Published: September 7, 2010
	:	

INITIAL DISCLOSURES

COMES NOW the Opposer, AlpinBreeze, LLC (hereinafter "Opposer"), and pursuant to the scheduling order entered in this matter provides the following initial disclosures as required by the applicable rules of the Board.

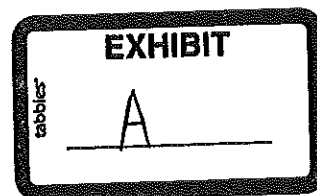
Disclosures

1. The name(s) and address(es) of each individual likely to have discoverable information along with the subject(s) of that information that may used to support Opposer's claims:

Ms. Samanta Ng
Alpinbreeze, LLC
702 West Street, Suite 101
Wilmington, DE 19801

*Ms. Ng, retains information concerning all aspects of the instant matter including, but not limited to, ALPINBREEZE, LLC's rights in the mark at issue, dates of use thereof, marketing and other stream of commerce matters, as well as other information pertinent to the instant claims.

2. Copies or descriptions of all documents, electronically stored information, and tangible things that Opposer has in its possession, custody, or control and may use to support its claims or defenses:



Opposer retains business records, a trademark application and other pertinent documents which it may use to support its claims in the instant matter.

3. For inspection and copying any insurance agreement:

None.

Respectfully submitted this 14th day of April, 2011.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esquire
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Telephone (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com
Attorney for Opposer

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AlpinBreeze, LLC,	:	
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Opposer,	:	Opposition No. 91198063
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	:	Mark: ALPINBREEZE and design
Applicant.	:	Published: September 7, 2010
	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing Initial Disclosures, this 14th day of April, 2011, to be served, via first class mail, postage prepaid, upon:

STEVEN M. RABIN
RABIN & BERDO, P.C.
1101 14TH ST NW STE 500
WASHINGTON, DC 20005-5633

You-Yi Lin
1F NO. 229 SIHWEI STREET , JHUBEI CITY
HSINCHU COUNTY, 30242
TAIWAN

/Matthew H. Swyers/
Matthew H. Swyers

Mary Margaret Wilson

From: Jamie Reynolds <jamier@thetrademarkcompany.com>
Sent: Friday, November 04, 2011 2:39 PM
To: Frans Lin - Evertec Information Technology
Cc: Matt Swyers; marym@thetrademarkcompany.com
Subject: Response Needed

Dear Mr. Lin:

Please accept this correspondence as our office's good faith effort pursuant to TBMP §523.20 to resolve the discovery dispute in this matter regarding your deficient responses to *Applicant's First Set of Interrogatories to Opposer* as well as *Applicant's First Set of Requests for Production of Documents to Opposer* forwarded to your office on or about October 8, 2011.

***Applicant's Response to
Opposer's First Set of Interrogatories to Applicant***

Regarding the specifically enumerated interrogatories and the responses and objections thereto we provide as follows:

Interrogatory No. 2: Applicant did not identify each person with knowledge of Applicant's selection and adoption of Applicant's Mark and who has knowledge of how it is used and /or intended to be used, further providing no substantive response thereto.

Interrogatory No. 3: Applicant did not describe in detail all goods and services formerly and currently being offered by Applicant in conjunction with Applicant's Mark and any goods or services intended to be used in connection with Applicant's Mark identifying the dates on which Applicant first began such use and or intends to begin such use and the geographic areas in which such use occurred and/or will occur.

Interrogatory No. 5: Applicant simply stated that no data is available. Applicant must provide data.

Interrogatory No. 7: Applicant simply stated that no data is available. Applicant must provide data.

Interrogatory No. 11: Applicant did not describe in detail licensing arrangements. Applicant simply states refer to Answer No. 3. The Answer to No. 3 cannot answer No. 11.

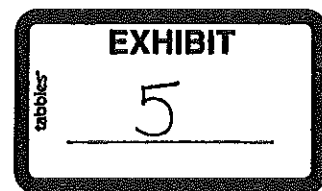
Interrogatory No. 12: Applicant did not answer the question.

Interrogatory No. 13: Applicant did not answer the question. Opposer is aware of and actively pursuing matters regarding Applicant's mark in other countries other than the United States.

Interrogatory No. 16: Applicant did not answer the question.

Interrogatory Nos. 17-30: Applicant did not answer the questions.

***Applicant's Response to Opposer's
First Set of Requests for Production of Documents to Applicant***



In brief, no documents were produced in conjunction with *Applicant's Response to Opposer's First Set of Requests for Production of Documents to Applicant* that are relevant to the TTAB proceeding. All documents presented are in a Non-English language and cannot possibly be related to the United States case before the TTAB. As such, a specific request-by-request response as to the scope of the documents and things requested to be produced is not warranted.

Conclusion

Please contact my office upon receipt of this correspondence so that we may be advised when we will receive *Applicant's First Amended Response to Opposer's First Set of Interrogatories to Applicant* replying to all above stated Interrogatories. Finally, please let me know when we may expect receipt of documents and things requested in *Opposer's First Set of Requests for Production of Documents to Applicant*.

Note, if we do not receive *Opposer's First Amended Response to Applicant's First Set of Interrogatories to Opposer* as set forth above as well as documents in response to *Applicant's First Set of Requests for Production of Documents to Opposer* by Tuesday, November 8, 2011 our client reserves the right to proceed forward with a motion to compel in this matter.

Thank you for your time and attention to these matters. I look forward to hearing from you at your earliest convenience.

Very truly yours,

Jamie R. Reynolds

Sent on behalf of Matthew H. Swyers by:

/Jamie R. Reynolds/
Litigation Manager
The Trademark Company
2703 Jones Franklin Road, Suite 206
Cary, NC 27518
tel. (800) 906-8626 Ext. 105
fax (919) 861-5278

Make sure to follow us for important tips and information relevant to the protection of your trademarks as well as for promotions and contests involving our services.



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